

**A. REMARKS**

No amendments have been made in this Reply. Hence, Claims 10, 12, 18, 20, 22, 28 and 30-43 are pending in this application. All issues raised in the Office Action mailed March 25, 2003 are addressed hereinafter.

In the first Office Action mailed on November 6, 2002, Claims 14, 15, 23 and 25 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. This was in fact done in the Reply to the first Office Action that was filed on January 14, 2003. Yet, these claims have now been rejected using the identical references (*DeSomer*--5,173,901 and *Humphrey*—6,157,547) over which these claims were said to have been allowable in the first Office Action. Only Claims 18 and 28 were argued in the Reply to the first Office Action that was filed on January 14, 2003. There is no mention of the rejection of Claims 14, 15, 23 and 25 under 35 U.S.C. § 112, second paragraph, that was addressed by the amendment filed on January 14, 2003, so it is presumed that this rejection has been reconsidered and withdrawn.

For purposes of furthering the prosecution of this application, the following remarks are respectfully provided regarding the amendments made in the Reply to the first Office Action that was filed on January 14, 2003.

Allowable Claim 14 was rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 14 depended directly from base Claim 10, Claim 10 was amended to include the limitations of Claim 14. Thus, Claim 10 should be in condition for allowance. Claim 12, which depends from Claim 10, should also be in condition for allowance.

Allowable Claim 15 was rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, Claim 15 was rewritten as new Claim 32, including the limitations of the base Claim 10 and intervening Claim 13. Thus, Claim 32 should be in condition for allowance. Claims 33-35, which depend from Claim 32, should also be in condition for allowance.

Allowable Claim 23 was rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 23 depended directly from base Claim 20, Claim 20 was amended to include the limitations of Claim 23. Thus, Claim 20 should be in condition for allowance. Claim 22, which depends from Claim 20, should also be in condition for allowance.

Allowable Claim 25 was rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, Claim 25 was rewritten as new Claim 36, including the limitations of the base Claim 20 and intervening Claim 24. Thus, Claim 36 should be in condition for allowance. Claims 37-39, which depend from Claim 36, should also be in condition for allowance.

Claims 30 and 31 contain the same limitations as Claims 10 and 12, except in the context of a computer-readable medium. Claims 30 and 31 should therefore be in condition for allowance.

Claims 40-43 contain limitations similar to Claims 32-35, except in the context of a computer-readable medium. Claims 40-43 should therefore also be in condition for allowance.

In view of the foregoing, it is respectfully submitted that the only claims that should be at issue are Claims 18 and 28. Claims 18 and 28 are believed to be patentable over the references cited and relied upon as set forth hereinafter.

REJECTION OF CLAIMS 32-35 AND 40-43 UNDER 35 U.S.C. § 102(b)

Claims 32-35 and 40-43 were rejected under 35 U.S.C. § 102(b) as being anticipated by *DeSomer*, U.S. Patent No. 5,173,901. Claim 32 is allowable Claim 15 rewritten in independent form, including the limitations of the base Claim 10 and intervening Claim 13. Claims 33-35 depend from Claim 32. Claims 40-43 contain limitations similar to Claims 32-35, except in the context of computer-readable media. It is respectfully submitted that Claims 32-35 and 40-43 are patentable over *DeSomer*. Accordingly, reconsideration and withdrawal of the rejection of Claims 32-35 and 40-43 under 35 U.S.C. § 102(b) as being anticipated by *DeSomer* is respectfully requested.

REJECTION OF CLAIMS 10, 12, 18, 20, 22, 28, 30, 31 AND 36-39 UNDER 35 U.S.C. § 103(a)

Claims 10, 12, 18, 20, 22, 28, 30, 31 and 36-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeSomer* in view of *Humphrey*, U.S. Patent No. 6,157,657. It is respectfully submitted that all of these claims are patentable over *DeSomer* and *Humphrey* for at least the reasons provided hereinafter.

CLAIMS 10, 12, 20, 22, 30, 31 AND 36-39

Claim 10 is allowable Claim 14 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 14 depended directly from base Claim 10, Claim 10 was amended to include the limitations of Claim 14. Thus, Claim 10 should be in condition for allowance.

Claim 12 depends from Claim 10 and also should also be in condition for allowance.

Claim 20 is allowable Claim 23 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 23 depended

directly from base Claim 20, Claim 20 was amended to include the limitations of Claim 23.

Thus, Claim 20 should be in condition for allowance.

Claim 22 depends from Claim 20 and also should be in condition for allowance.

Claims 30 and 31 contain the same limitations as Claims 10 and 12, except in the context of computer-readable media. Claims 30 and 31 should therefore be in condition for allowance.

Claim 36 is allowable Claim 25 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, Claim 25 was rewritten as new Claim 36, including the limitations of the base Claim 20 and intervening Claim 24. Thus, Claim 36 should be in condition for allowance.

Claims 37-39 depend from Claim 36 and should also be in condition for allowance.

#### CLAIMS 18 AND 28

Claim 18 recites a method for communicating at least first and second digital data streams over a communications link from a source to a destination that requires the steps of:

“receiving synchronous data in a first FIFO at a synchronous data rate;  
receiving asynchronous data in a second FIFO at an asynchronous data rate;  
clocking data out from said first FIFO onto said communications link at a first output data rate;  
clocking data out from said second FIFO onto said communications link at a second output data rate wherein said second data rate equals, on average, said asynchronous data rate.”

It is respectfully submitted that Claim 18 includes limitations that are not taught or suggested by *DeSomer* and *Humphrey*, alone or in combination. For example, it is respectfully submitted that *DeSomer* and *Humphrey* do not teach or suggest “clocking data out from said second FIFO onto said communications link at a second output data rate *wherein said second data rate equals, on average, said asynchronous data rate*” (emphasis added).

In *DeSomer*, the synchronous stream STM received by the MUX contains synchronous cells (STM cells) that occupy time slots of a time frame with a time slot frequency of  $f_2$ . The asynchronous stream ATM received by the MUX contains asynchronous cells (ATM cells) that occupy time slots of a time frame with a time slot frequency of  $f_3$ . The output portion of transmitter circuit TC1 operates at the time slot frequency of  $f_1$ . Thus, the ATM cells in the multiplexed stream output by the MUX also have a time slot frequency of  $f_1$ .

In the examples provided,  $f_3$  is twice  $f_2$  and  $f_1$  is the sum of  $f_3$  and  $f_2$ . These relationships are summarized as follows:

Given:

$$(1) \quad f_3 = 2(f_2)$$

$$(2) \quad f_1 = f_3 + f_2$$

then,

$$(3) \quad f_2 = 0.5(f_3), \text{ and}$$

substituting  $0.5(f_3)$  for  $f_2$  in equation (2) we obtain:

$$(4) \quad f_1 = f_3 + 0.5(f_3) = 1.5 (f_3)$$

Therefore, the frequency  $f_1$ , at which the ATM cells are output onto the communications link L1, when expressed in terms of the frequency at which the ATM cells are received by the MUX, is one and one half times the frequency  $f_3$ .  $f_3$  does not on average equal  $1.5 (f_3)$ . Thus, *DeSomer* does not teach or suggest “clocking data out from said second FIFO onto said communications link at a second output data rate wherein said second data rate equals, on average, said asynchronous data rate” as is required by Claim 18.

The second Office Action asserts that the MUX both receives and “reads out” the asynchronous data stream at the frequency  $f_2$ . It is respectfully submitted that the MUX outputs

the STM/ATM cell stream on link L1 at frequency  $f_1$  as described above, and there is no support in *DeSomer* that the STM/ATM cell stream is output on link L1 at the frequency  $f_2$  as asserted in the Office Action. The Examiner is invited to identify, by column and line number, a specific portion of *DeSomer* that supports this assertion.

*Humphrey* was not relied upon as teaching or suggesting the aforementioned limitation and it is respectfully submitted that *Humphrey* does not teach or suggest this limitation. It is therefore respectfully submitted that Claim 18 is patentable over *DeSomer* and *Humphrey*, alone or in combination. Claim 28 includes limitations similar to the limitations of Claim 18, except in the context of an apparatus. It is therefore respectfully submitted that Claims 18 and 28 are patentable over *DeSomer* and *Humphrey*, alone or in combination.

In view of the foregoing, it is respectfully submitted that Claims 10, 12, 18, 20, 22, 28, 30, 31 and 36-39 are patentable over *DeSomer* and *Humphrey*. Accordingly, reconsideration and withdrawal of the rejection of Claims 10, 12, 18, 20, 22, 28, 30, 31 and 36-39 under 35 U.S.C. § 103(a) as being unpatentable over *DeSomer* and *Humphrey* is respectfully requested.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

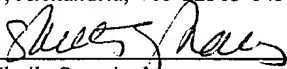
Date: May 7, 2003

1600 Willow Street  
San Jose, CA 95125  
(408) 414-1204  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. BOX 1450, Alexandria, VA 22313-1450

on May 7, 2003

by   
Sheila Severinghaus